

“(B) the offender is present in the United States, regardless of the nationality of the victim or offender.”; and

(2) by adding at the end the following:

“(e) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—In the case of an offense described in subsection (a) and further described in subsections (c)(1) and (c)(3), an indictment may be found or an information may be instituted at any time without limitation.

“(f) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution for an offense described in subsection (a) shall be undertaken by the United States except on written certification of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated, that a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) OFFENDER PRESENT IN UNITED STATES.—

For an offense for which jurisdiction exists under subsection (b)(2)(B) (and does not exist under any other provision of subsection (b)), the written certification required under paragraph (1) of this subsection that a prosecution by the United States is in the public interest and necessary to secure substantial justice shall be made by the Attorney General or the Deputy Attorney General, which function may not be delegated. In issuing such certification, the same official shall weigh and consider, among other relevant factors—

“(A) whether the alleged offender can be removed from the United States for purposes of prosecution in another jurisdiction; and

“(B) potential adverse consequences for nationals, servicemembers, or employees of the United States.

“(g) INPUT FROM OTHER AGENCY HEADS.—The Secretary of Defense and Secretary of State may submit to the Attorney General for consideration their views generally regarding potential benefits, or potential adverse consequences for nationals, servicemembers, or employees of the United States, of prosecutions of offenses for which jurisdiction exists under subsection (b)(2)(B).

“(h) NO JUDICIAL REVIEW.—Certifications under subsection (f) and input from other agency heads under subsection (g) are not subject to judicial review.

“(i) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as—

“(1) support for ratification of or accession to the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002; or

“(2) consent by the United States to any assertion or exercise of jurisdiction by any international, hybrid, or foreign court.”.

The bill (S. 4240), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. DURBIN. Mr. President, I will come to the floor later this morning or early this afternoon to discuss this bill, which Senator GRAHAM joined me in cosponsoring, to say the United States should never be a safe haven for war criminals, regardless of where they committed their crimes. I will speak to that at a later moment.

#### EXECUTIVE CALENDAR—Continued

##### TRIBUTE TO CHERI BUSTOS

Mr. DURBIN. Mr. President, early in my political career, I learned an important lesson: If you want to succeed, you don't go it alone. For every major deci-

sion, you need a trusted friend to turn to, someone who will be honest with you and steer you in the right direction.

In my life, I have been lucky to have many friends who pass that test, including my mentors: Paul Douglas, the United States Senator from Illinois, who introduced me to this world when I was a college senior; and my predecessor in the United States Senate, Paul Simon. Another Illinois legend who joins that rank is Gene Callahan.

Paul Simon and Gene Callahan were two of the hardest working and most grounded people I have ever known. They were public servants in every sense of the word. The two of them pioneered an approach to politics that I have tried to live up to: return every phone call; respond to every constituent; always, always, always remain true to your values.

Sadly, both Paul Simon and Gene Callahan have been gone for many years, but their legacy lives on in a public servant who has perfected their model for leadership. That public servant's name is Congresswoman CHERI BUSTOS. For the past 10 years, she has represented Northwest and Central Illinois in the House, and she happens to be Gene Callahan's daughter.

Since Cheri was first elected in 2012, she has lived, breathed, and fought for every family in the 17th district. From providing the best constituent service in the House to securing more funding for her district than any other Democrat in the House, Cheri quickly set herself apart as one of the brightest leaders in our State's history.

She will be retiring at the end of this Congress, but before she heads home, I want to take a moment to share how proud I have been to watch our MVP from East Moline emerge as the All-Star champion of the United States Congress.

Cheri grew up in a family that stressed the importance of public service. Her grandfather, Joe Callahan, was a hog farmer and a New Deal Democrat who represented one of Illinois's most rural counties in the State general assembly. He instilled in Cheri a deep appreciation for rural America and the family farms that feed our Nation.

Whenever the State legislature was in session, Grandfather Joe would stay with Cheri, Gene, and the rest of the family in Springfield. It was during that same period that I first met Gene Callahan. The two of us were working for then-Lieutenant Governor Paul Simon.

Gene would invite me, Paul, and sometimes even Senator Alan Dixon over to the House for a spirited conversation about the news of the day. It was truly a “kitchen cabinet.” Oftentimes, when we sat at the dinner table dishing about politics, we were joined by another youngster, a participant. A young Cheri Callahan was around, listening carefully. It is where she learned her first lessons in politics.

Growing up, Cheri was passionate about a lot more than politics. In high

school, she was a force to be reckoned with on the basketball court. Just as importantly, she understood the value of being a team player—so much so that in college, she was picked as the MVP on both the basketball and volleyball teams.

That is a quality that really defines CHERI BUSTOS—from the basketball court to the floor of the House, she is a team player who is in it to win it—not just for herself but, more importantly, for the people who were counting on her.

Throughout her life, Cheri's passion for victory has been surpassed only by a capacity for empathy. She always listens. It is another lesson she learned from her dad, Gene, and her mom, Ann, and Paul Simon. All of whom, like Cheri, had something to do with public service, either by participating in journalism, public service, or supporting those who do.

In Cheri's case, she was a reporter with the Quad-City Times for 17 years. She started on the night shift as a police reporter. It was a tough job and doesn't pay a lot, but Cheri struck gold. While working for the Quad-City Times, she met a young sheriff named Gerry Bustos. And all these years later, they are happily married with three children and two grandkids.

Cheri won her first election in 2007 for a seat on East Moline City Council. I know that she won it because I knocked on doors for her. A few years later, she called me and said: I am moving on up. I want to run for Congress. I will admit, my wife and I were surprised. Making a leap from city council to Congress is not for the faint of heart, but Cheri was an obvious natural.

That first campaign began in the kitchen with one staffer: her nephew Brad. The two of them traveled all over northwest and central Illinois in his car, which had no working air conditioning and was pretty much held together with duct tape. But like Gene had taught her, Cheri showed up to every event, every townhall, every fundraiser, every phone bank. It was a heartfelt campaign that started off on a shoestring. That November, Cheri won that tough district by eight points.

A couple of months after her victory, Cheri and Gerry made their nearly 15-hour drive to Washington with a U-Haul hitched to their Jeep Wrangler. It was the beginning of an amazing congressional career.

During the first term, Cheri launched “Cheri-on-Shift,” her practice of working alongside constituents at their jobs. In Cheri's words, the Cheri-on-Shift experiment gave her “a feel for what people do for a living, how they support their families, their struggles, why they take pride in their jobs.”

Over the past decade, Cheri has served drinks at the Golden Hen Cafe in Galena, planted soybeans with a farmer in Galesburg, and taken care of senior citizens at the Lifescape facility

in Rockford. She has done everything from cleaning an ice rink with a Zamboni to trying her hand at beekeeping. And with every Cheri-on-Shift, she would ask her constituents: What do you need from me in Washington?

Just ask her staff. The answers to those questions made all the difference in Cheri's office.

Consider the case of a nurse in Galesburg who told Cheri she was so concerned about the lead pipes in her home that she was planning on dropping out of nursing school to cover the cost for replacing them. Cheri told her: We are going to do this right. And soon, she learned it wasn't just one nurse who was suffering from lead pipes, but the entire community.

So Cheri kept her promise to that nurse. She found the Federal and State dollars to help make things right in Galesburg.

If you want to see the difference that can be made, look at what Cheri has done for the Rock Island Arsenal. When I entered the Senate, the Rock Island Arsenal was on its last leg. I'm sorry to say, there were people at the Pentagon determined to close it. I was not going to let that happen, but I needed the right partner—and that partner was Cheri. Today, the Rock Island Arsenal's future is bright. We worked together with TAMMY DUCKWORTH to secure hundreds of millions of dollars in funding and projects to upgrade that facility.

In fact, the Rock Island Arsenal will soon be home to the largest 3-D printer in the world, which will build lighter, cheaper, and safer frames for military combat vehicles. It is one of the many ways that Cheri has helped position Illinois to lead in the future of manufacturing with union workers at the helm.

Justice and opportunity for all—that has been Cheri's passion since she was the little girl that I first saw at the Callahan dinner table. It is the passion that has defined her years in public service and her decade in Congress.

One of her final acts in Congress is one that will have impact across America for decades to come. She passed a law to end forced arbitration for sexual assault survivors. After she steered that bill through the House, I had the honor of working on it successfully as chair of the Senate Judiciary Committee. This law will ensure that every survivor can have their day in court. And it wouldn't have happened without CHERI BUSTOS.

So it is sad for me that Cheri is leaving at the end of this term. It is worth noting that in returning home, she has remained true to those who sent her here. You see, Cheri is a strong believer in stepping out of your comfort zone. She says it is "where the magic happens." And it is a theme throughout her career. Every 10 years or so, Cheri switches gears—from journalism to healthcare to city council to Congress; and, now, I don't know what the next step will be.

I think I speak for every resident in Illinois's 17th district in saying: Cheri, we can't wait to see what you achieve next. My wife Loretta and I are amazed, but not one bit surprised, to see how far you have come. You see, we have trusted you for a long time—when you were a babysitter for our kids, the graduate of Illinois Women's Institute for Leadership, the IWIL Training Academy, to one of the most accomplished legislators and constituent advocates in the House of Representatives.

Somewhere out there, both Gene and Ann Callahan are beaming with pride with what their daughter has achieved.

I want to wish a wonderful holiday season to Cheri, her husband Gerry, her sister Lynn and her husband Al, her three kids, Tony, Nick, and Joey, and their daughters-in-law, as well as the grandkids. Now that you are retiring, I am sure you will have plenty of time for dancing to Stevie Wonder around the Christmas tree.

FDA

Mr. President, in July, the FDA Commissioner Robert Califf requested an external review of the Agency's food offices.

It was months after the infant formula crisis began, when a bacterial outbreak forced Abbott to shut down one of the largest formula facilities in the country and sent parents into a panic. Remember, this crisis could have been prevented by the FDA. FDA inspectors found several compliance issues at Abbott's Sturgis plant in September 2021. The Agency also received a complaint about that same exact facility in October 2021. But, they didn't ask Abbott to initiate a recall or warn the public until February 2022.

This wasn't the first time FDA has failed to prevent an outbreak though. This year alone, the FDA has opened more than 25 investigations into foodborne illness outbreaks. So I was glad when Dr. Califf recognized that the FDA has fallen short of its responsibility to protect Americans, and turned to the Reagan-Udall Foundation to conduct an external review. It was long overdue.

This month, the foundation completed its review. Its report concluded that the FDA's culture, structure, and lack of funding have undermined its effectiveness. The foundation found that, "there is no clear leader or decision-maker" in FDA's food offices, which tips the scales "in favor of inaction, minimizing risk, and maintaining the status quo."

Inaction, minimizing risk, and maintaining the status quo—Americans deserve so much more. They deserve the fundamental assurance that what they feed their families won't make them sick. That is exactly why the foundation concluded its report by calling on FDA and Congress to implement structural reforms. Specifically, one of the options the foundation recommends is that FDA to be separated into two agencies: the Federal Drug Administra-

tion and the Federal Food Administration. As it happens, I introduced legislation earlier this year with Congresswoman DeLAURO that would do just that: the Food Safety Administration Act.

The Reagan-Udall Foundation also encouraged Congress to take a close look at the FDA's funding and resources. Consider the fact that the FDA had just nine employees working in the infant formula office when the crisis hit. That is nine people overseeing a \$3.5 billion industry—absolutely unacceptable. We need to do better than that.

Commissioner Califf needs to act on the foundation's recommendations as soon as possible. We, in Congress, need to address this issue with the seriousness it deserves as well. All of us have family members, friends, and constituents who have fallen ill after a meal—or even died. Let's reform the FDA before the next crisis.

I yield the floor.

The PRESIDENT pro tempore. The Republican whip.

BROADBAND

Mr. THUNE. Mr. President, as a resident of a rural State, expanding rural broadband access has long been a priority of mine, and I am not the only one.

Over the years, Congress has dedicated significant resources to closing the digital divide, and that has been especially true over the past 3 years. Congress has appropriated a lot of money for broadband lately—"a lot" being \$79 billion, to be precise—dedicated solely to broadband-related projects—\$79 billion on top of the billions of dollars the Federal Communications Commission disburses annually under its Universal Service Fund. That is an unprecedented amount of money. In fact, with that much money, we ought to be able to deliver gold- and diamond-laced broadband to every household in the United States.

Appropriating money is not enough. We could throw trillions of dollars at the rural broadband problem and still not close the digital divide. All of the money in the world is useless if it is not being spent the right way. As I said, we have enough money now that we ought to be able to deploy gold- and diamond-laced broadband across the country, but I have serious questions about whether this money is actually going to meaningfully move us toward closing the digital divide. The money we currently have, as much as it is, is spread out over 15 separate Agencies and 133 programs—133 programs. To say that that is not conducive to a coherent rural broadband strategy would be an understatement.

Now, the lion's share of the funding does go through one Agency—the National Telecommunications and Information Administration, or NTIA—but it is an Agency with a very poor record of efficiently disbursing broadband funding. The last time Congress provided NTIA with a big infusion of